

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MDB, et al.,)	
)	
Plaintiffs,)	
)	2:18-cv-01079
v.)	
)	
PUNXSUTAWNEY CHRISTIAN)	
SCHOOL, et al.,)	
)	
Defendants.)	

ORDER

AND now, this 3rd Day of May, 2019, upon consideration of Defendant Punxsutawney Christian School's Motion to Dismiss for Failure to State a Claim, at ECF No. 17, Defendant Tri-County Transportation, Inc.'s Motion to Dismiss for Failure to State a Claim, at ECF No. 19, and Defendant Purchase Line School District's Motion to Dismiss for Failure to State a Claim, at ECF No. 21, and all briefing in support or opposition of same, it is hereby ORDERED as follows:

- 1) Defendant Punxsutawney Christian School's Motion is GRANTED, and the claims against Punxsutawney in Counts II, IV, VI, VII, VIII, and X are dismissed without prejudice.
- 2) Defendant Tri-County's Motion is GRANTED in part and DENIED in part. To the extent that the Motion seeks dismissal of Count VII and Bridge's claim in Count IX, the Motion is granted, and Count VII and Bridge's claim at Count IX are dismissed without prejudice. To the extent that the Motion seeks dismissal of MDB's claim in Count IX, the Motion is denied.

- 3) Defendant Purchase Line's Motion is GRANTED in part and DENIED in part. To the extent that the Motion seeks dismissal of Count I, the Motion is denied. To the extent that the Motion seeks dismissal of the claims in Counts III and V, the Motion is granted and Counts III and V are dismissed without prejudice.
- 4) Plaintiffs may file an Amended Complaint as to any claim that has been dismissed without prejudice, on or before May 24, 2019. Should such not be filed by that date, such dismissals shall be converted to dismissals with prejudice without further Order or notice. Any answers to the remaining claims per this Order, or any response to any Amended Complaint, shall be filed on or before June 21, 2019.



Mark R. Hornak
Chief United States District Judge

Dated: May 3, 2019
cc: All counsel of record